

REPORT

OF THE

Legislative Council Committee

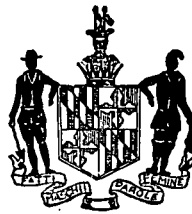
ON

Civil Defense



February, 1962

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COMMITTEE ON CIVIL DEFENSE

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REPORT OF THE COMMITTEE ON CIVIL DEFENSE

To The Honorables,

George W. Della, President, Senate of Maryland

Perry O. Wilkinson, Speaker, House of Delegates of Maryland

The Ladies and Gentlemen of the General Assembly of Maryland:

The Legislative Council's Committee on Civil Defense respectfully reports as follows:

1. Report

At the last formal session of the Legislative Council on December 6, 1961, an interim report was submitted for the Committee, as its work had not then been completed, and the Committee was granted permission to submit its report direct to the Presiding Officers and Members of the General Assembly for consideration during its 1962 session.

A copy of this Report has been transmitted to His Excellency, J. Millard Tawes, Governor of Maryland, for his information and consideration.

2. Committee

The Committee on Civil Defense was appointed by the Chairman and Vice-Chairman of the Legislative Council on September 13, 1961. The Committee includes members of the Senate and the House, namely—

Senator Joseph V. Mach of Baltimore City

Senator John L. Sanford, Jr., of Worcester County

Senator Edward T. Hall of Calvert County

Senator Paul A. Dorf of Baltimore City

Delegate E. Homer White, Jr., of Wicomico County

Delegate C. Philip Nichols of Prince George's County

Delegate J. Joseph Curran, Jr., of Baltimore City

Delegate Joseph H. McElwee of Washington County, as Vice-Chairman,
and

Senator H. Winship Wheatley, Jr., of Prince George's County, as
Chairman.

3. Purpose

The purpose of the Committee is to formulate a program of legislation for the General Assembly to facilitate civil defense activities. Its function is to consider and recommend necessary or desirable legislation; and, in addition, to assist State officials in whatever may be proper to carry out their duties and responsibilities.

In calling the Governor's Conference, which occasioned appointment of this Committee, Governor Tawes said:

"We must increase our efforts to provide the people of Maryland with a meaningful civil defense program—our people need to know what they can do to protect themselves and their families in case of nuclear attack."

4. Acknowledgments

The Committee expresses its grateful appreciation to:

(a) Dr. Carl N. Everstine, Director of the Department of Legislative Reference, for his able counsel and professional assistance; and to Miss Doris G. Smith for her research analysis and assistance; and to all the staff of the Department of Legislative Reference for the efficient work performed for the Committee in carrying out its assignment.

(b) His Excellency, J. Millard Tawes, Governor of Maryland, for his initiative and interest in the Civil Defense Program and his cooperation with the Committee in its work; and to officials of the Executive Department and the staff of the Governor's Office for their courteous assistance in expediting the work of the Committee.

(c) The Acting Director, Colonel Frederick S. Matthews, the recently appointed Director, General Rinaldo Van Brunt, and the staff officials of the Maryland Civil Defense Agency; and to the Civil Defense Director (former and present) and staff officials of the Baltimore City Civil Defense Agency; and to the civil defense directors, staff assistants, and county government officials of the counties participating in the regional meetings of the Committee; and to the Superintendent, Staff Officers and Troopers of the Maryland State Police; and to representatives of State agencies responsible for coordinating work with the Civil Defense Agency—for the cooperation, information, comments, and help given the Committee.

(d) Area Office 2 Director, Mr. William D. Patton, Executive Office of the President (Office of Emergency Planning), and to Mr. Daniel W. Mikaitis, of his staff, for their suggestions and helpful assistance to the Committee.

(e) The Legislative Council for the assignment to report on this subject, which has been most interesting and informative and concerns a topic of widespread, current public interest. It is in many ways a unique subject, in a field of rapidly changing personnel, ideas, and plans; and is still partly in a study phase awaiting recommendations from investigative units on many levels of responsibility.

5. Action

Public Meetings¹—Members of the Committee attended the Governor's Conference on Civil Defense held in Annapolis on September 28, 1961.

Subsequently, the Committee met at Civil Defense Headquarters at Pikesville on September 29 to hear comments and suggestions from the Acting Director and Staff of the Civil Defense Agency.

Later, the Committee met in Baltimore City on October 20 and, in addition, conducted regional meetings to hear local Civil Defense officials and others respecting legislative proposals, as follows:

For the Western Maryland Area, at Hagerstown, on November 8;

For the Eastern Shore Area, at Salisbury, on November 20;

For the Southern Maryland Area, at Upper Marlboro, on November 30;

¹ Minutes, correspondence of the public meetings, as well as all data assembled, are on file with the Legislative Council.

For Baltimore City and adjacent counties, at Baltimore, on December 4.

On December 14, the Committee met in Baltimore City to hear the plans and recommendations of State agencies responsible for coordinating work with the Civil Defense Agency in event of an attack.

On January 23, 1962, the Committee heard the recommendations of the recently appointed State and City Civil Defense Directors and officials of the State Department of Planning.

6. Correspondence

In addition, the Committee received correspondence and written suggestions from the Executive Office of the President (Office of Emergency Planning), the Governor of Maryland, the Civil Defense Agency of Maryland, public officials, businessmen, citizen groups, and the general public as to legislative needs, for correlation with matters presented at public hearings.

7. Data

The Committee accumulated many data for review, digest, and consideration, including:

(1) Transcript of proceedings of the Governor's Conference on Civil Defense held in Annapolis on September 28, 1961, with summary of suggestions mentioned.

(2) Legislative proposals submitted by the Executive Office of the President (Office of Emergency Planning):

- (a) Constitutional amendment for continuity of government, with a special report thereon.
- (b) Emergency interim legislative succession act.
- (c) Emergency interim judicial succession act.
- (d) Emergency location of state government.
- (e) Emergency location of government for state political subdivisions.
- (f) Briefing memorandum respecting a Federal Constitutional Amendment for continuity of government.

(3) Legislative proposals submitted by the Maryland Civil Defense Agency:

- (a) Pamphlet "Continuity of Government," published in 1960 by O.C.D.M., containing a sample succession ordinance for a City.
- (b) Letter of October 20, 1961, recommending:
 - (1) Legislation to bring the Maryland Civil Defense Agency under the State Merit System, and to include, on a permissive basis, those counties that do not have their own merit systems.
 - (2) Legislation to eliminate from the State Civil Defense Agency an appointed "Alternate Director;" to provide that all staff personnel, other than the Director and

volunteers, must qualify under the provisions of a merit system.

- (3) Legislation for succession of county governments.
- (4) Legislation to protect volunteers from liability for acts committed in performance of civil defense duties.
- (5) Legislation authorizing county governments to expend available funds in an emergency.
- (6) Legislation to protect medical and other licensed personnel, when outside the area of their license, both as to location and actions, in time of emergency.
- (7) Legislation to provide workmen's compensation for civil defense personnel and trainees, to cover accidents in training, etc., other than in national emergencies.
- (8) Legislation to encourage the building of private fallout shelters.
- (9) Legislation to establish civil and criminal penalties for sellers and builders of fallout facilities that do not meet standards established by the Federal government.
- (10) Legislation for permissive authority to grant police powers to auxiliary police.
- (c) Information and Education Service Report, No. 16, issued by The National Association of County Officials, relating to "Continuity of Government."
- (d) Data respecting The Maryland Civil Defense Control Center, issued February, 1960, with Organization Chart.
- (e) Training Aid Operation Instructions, No. 19, issued October 11, 1961, by the Maryland Civil Defense Agency for Civil Defense Readiness Conditions.
- (f) List showing counties that have named Department of Welfare personnel to head Civil Defense welfare services.
- (g) The December 1961 booklet (H-6), "Fallout Protection," issued by the Department of Defense, Office of Civil Defense.
- (h) Letter of January 12, 1962, respecting the surplus property program.
- (4) Data submitted by Baltimore City Civil Defense Agency relating to legislation for:
 - (a) "Emergency Police Reserve" officers.
 - (b) Workmen's compensation for volunteers in a "Police Reserve Corps."
 - (c) Budget data, 1962, Baltimore City Civil Defense Agency.
- (5) Reminder from Director of Legislative Reference to check with county officials respecting provisions of county codes, which may need revision, amendment, or repeal, some county provisions being applicable only upon existence of a state of war.

- (6) Data received from the State Superintendent of Schools including:
 - (a) Copy of letter of September 8, 1961, to Governor Tawes, reporting on action undertaken in the public schools in the area of civil defense instruction and protection.
 - (b) Pamphlet—"Civil Defense Manual for the Schools of Maryland"—published in January, 1953.
- (7) Pamphlets developed by a committee of the Council of State Governments:
 - (a) Suggested State Legislation Program for 1961: "Continuity of Government."
 - (b) Reprint from suggested State Legislation Program for 1961: "Continuity of Government — Records Management and Preservation."
- (8) Department of Defense, Office of Civil Defense Pamphlet: "The Family Fallout Shelter," M-P 15 (Reprinted September, 1961).
- (9) Pamphlet reprinted from The Evening Sun—August, 1961—"If an Attack Comes".
- (10) Correspondence from others, including:
 - (a) Letter of September 29, 1961, from a general contractor indicating basic-type models of shelters available for installation.
 - (b) Letter of October 9, 1961, on behalf of the Maryland Nurses' Association, suggesting legislation adding certain immunities for persons engaged in civil defense activity, particularly in regard to instruction and teaching programs.
 - (c) Letter of October 2, 1961, from a shelter contractor, suggesting legislation to assist the public in financing shelter installation and action by public officials to counteract public apathy.
 - (d) Letter of October 4, 1961, from a citizen urging a firm program for shelters in the public schools, with financial assistance from the State to the counties as an incentive.
 - (e) Letter of October 4, 1961, from a real estate developer suggesting legislation for:
 - (1) Abolishment of zoning regulations respecting fallout shelters, for individual or community use.
 - (2) Waiver of assessments for fallout shelters.
 - (3) Easing of requirements for financing shelter construction.
 - (f) Recommendations submitted October 20, 1961, on behalf of Women's Clubs proposing legislation:
 - (1) Establishing construction standards for fallout shelters.
 - (2) Requiring fallout shelters to be constructed in all new public buildings, particularly public schools.

- (3) Developing fallout shelter facilities in all existing public buildings, particularly public schools.
- (4) Increasing State grants for civil defense matching funds.
- (5) Increasing State appropriations to county authorities to assist civil defense work.
- (6) Urging the Federal Government to provide a joint Federal-State loan program for construction of community fallout shelters.
- (g) Petition dated November 19, 1961, with 25 signatures, and petition dated November 28, 1961, with 18 signatures, urging legislation for building school shelters.
- (h) Letter of November 29, 1961, from a businessman, suggesting:
 - (1) Consolidation of radio towers.
 - (2) Parking lane facilities off bridge approaches.
 - (3) Protective shelters in new schools and public buildings.
 - (4) Establishment of minimum construction distances between industrial and recreation areas and schools.
- (i) Letter from a community group, dated December 5, 1961, urging a program for protection of school children.
- (j) Letter of December 18, 1961, outlining comments with respect to emergency conditions.
- (k) Letter of January 12, 1962, respecting suggestions of the State Insurance Department concerning a moratorium on financial obligations.
- (l) Letter of January 19, 1962, from the State Civil Defense Director suggesting State contributions for fallout shelter incentives.

8. Highlights

The Committee held eight public hearings, and the minutes cover thirty-six single-spaced legal size pages. It is not feasible to detail in this report the information adduced. However, some of the comments and recommendations are highlighted, as follows:

(a) Although meetings were held in all regions of the State, for the convenience of local officials, many counties were not represented. The representatives of counties and the City who did attend were frank, well informed as to their duties, and very helpful to the Committee. In many instances, the local civil defense officials were prepared for acceptance of their responsibilities; in some instances, they freely stated their inadequacies and unpreparedness. The Committee noted that most of the local civil defense officials who appeared were enthusiastic in trying to work for an effective program; most were interested in their assignment and expressed satisfaction with cooperation received from local government officials; some were men of broad experience in administration with organizational ability; some were former military officers of high rank; in at least one instance, the local government officials gained much by the selection of an executive in a local industry, who gave civil defense work

much assistance by assignment of personnel, facilities, and finances from his industry with a minimum of cost to the county; some were men who devoted much personal time to civil defense work, while trying to make a living at their usual employment; some had "plans" but were not ready for performance.

(b) Although there was not a clear concert of thought as to the form for continuity of government, there was unmistakable agreement that legislation is necessary to provide continuity of government—possibly by constitutional amendment and interim and permanent legislation.

(c) There was united expression that matching funds should be provided for civil defense use, although there was a range from a suggested Federal, 50%—State, 25%—County, 25% ratio, to a Federal, 75%—State, 15%—County, 10% proposal.

(d) Emergency police protection will be available from State Police, county police, municipal police, and auxiliary reserve corps police, included in the civil defense system; and these will be augmented by the support of all National Guard troops not needed for duty elsewhere. Auxiliary police are being trained in Baltimore City and in Anne Arundel, Baltimore, Montgomery, and Prince George's counties.

(e) The greatest problem retarding civil defense preparation is public apathy—a what's-the-use-attitude—which can be overcome only by responsible leadership and public incentives.

(f) There is a civil defense organization in every county and in Baltimore City, but the effectiveness of local units is dependent upon county governing officials, their cooperation, and the appropriation of necessary funds.

(g) The installation of private and community fallout shelters is of the greatest concern to the public. The cost of financing shelter construction is a major deterrent. Families are worried by the thought of separation of children in school from the mother at home and the father at work. Lending institutions are disinclined to advance funds for construction of shelters; and legislation may be necessary to permit mortgage loans on a reduced rate of interest, amortized over a long period of time, secured by the shelter itself—individual or community—with the right of a tenant to secure the cooperation of a landlord for financing purposes, and possibly loan insurance guaranteed by the Federal Government. Encouragement should be given to stimulate construction of private shelters. Adequate standards should be established for the construction of proper shelters and for penalties—civil and criminal—against the sellers and builders of inadequate shelters and for fraudulent actions of unscrupulous builders. Federal, state, and local planning officials should be prodded to provide community shelters in all construction of new public buildings and in existing buildings where feasible, particularly in public schools. There will be a need for shelters for those required to perform outside duty assignments—such as police, fire, and National Guard personnel. An effective program is necessary for protection of children in school and "downtown people," as well as those at home. The Baltimore Harbor Tunnel and the mines in Western Maryland are not suitable for public shelters. Permits and inspections should be required for fallout shelters; and, tax relief, both from property tax assessment and for income tax deduction, should be provided.

(h) The evacuation of the urban population is complete in the "planning stage," but whether the "plans" would be effective to protect evacuees

is open to question. Whether evacuation is any longer recommended has not been finally determined. Some areas designated for evacuation reception are prepared, and others are not. Housing, food, medical supplies, water, clothing, etc., are in most instances not available for use by evacuees, if the need arises suddenly. The welfare services of civil defense include responsibility for providing food, clothing, housing, etc.; these services should be coordinated under one head; some counties have either not designated a welfare representative or have designated someone other than from the local department of welfare leaving an open question as to liaison, responsibility, and performance. Effective civil defense officials should be designated in every local area and on all levels. The reserve or "stockpiling" of food, medicine, clothing, etc., presents a formidable problem, both from the point of storage facilities and that of cost. Most areas have, or would have, sufficient supplies for residents of the local area for a week or so—possibly a month—but not for assistance to evacuees from other areas. The counties cannot finance the cost of stockpiling for evacuees from other areas in great numbers for an extended period. Evacuation of urban population cannot be accomplished until facilities and supplies are reserved for them. Basically, an individual must be able under present conditions to care for himself for two weeks. If the counties are to care for evacuees, county funds must be augmented—by Federal assistance when the need arises or for preparation of such an event, or by State funds possibly on some form of equalization basis. A survey of needs and costs should be initiated in each local area as soon as possible. Where a local area fails to appropriate the necessary funds, some legislation would be required.

9. Readiness

Representatives of State agencies having responsibility to coordinate civil defense activities appeared before the Committee. The various agencies seem to know the duties required of them and outlined the steps taken to do an effective job. In general, the plans were complete. In those instances where it was evident that the plans were ahead of the present ability to perform, it is believed that appropriate measures will be taken by the responsible agency to strengthen its condition of readiness. The meeting with these representatives was in the nature of a briefing session.

10. Emergency Planning

An Area Emergency Planning Conference was held in Pittsburgh, Pennsylvania, on February 23, 1962. The Conference was called by the Office of Emergency Planning, Executive Office of the President, for the States of Maryland, Delaware, Kentucky, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia (comprising Area 2 of the Office of Emergency Planning) and was attended by approximately four hundred officials representing all these area jurisdictions. Maryland was represented by approximately twenty officials from the Executive departments and State agencies, including the State Civil Defense Director, General Rinaldo Van Brunt; the State Director of Budget and Procurement, Mr. James G. Rennie; the State Planning Department Director, Mr. James J. O'Donnell; the State Police Superintendent, Colonel Carey Jarman; the Public Service Commission Chairman, Mr. Albert L. Sklar, also vice-chairman of the Washington Metropolitan Area Transit Commission; Assistant Attorney General Clayton A. Dietrich; representatives of the State Department of Health and the State Roads Commission and other officials of State departments and agencies.

The Chairman of this Committee, Senator H. Winship Wheatley, Jr., also attended the Conference to represent the General Assembly of Maryland, for matters which might be of importance for legislative enactment.

During the day-long Conference, officials of the Office of Emergency Planning outlined generalities of plans for continuity of civil government and control of states' economic resources during a nuclear war crisis. Panel discussions accentuated the necessity to map recovery plans for emergency conditions for continuance of civil government, control of critical resources, and stabilization of rents, wages, and prices.

During discussion periods, officials of several states expressed views that the Federal Government should provide more effective advice and guidance to the states with concrete proposals, outlining with particularity the areas of responsibility and controls to be exercised by Federal and state officials; these views emphasized the need for prompt disclosure of decisions and more finality of such determinations in order to reduce multiple directives to state and local civil defense agencies, causing confusion and wasted effort in complying with changed requirements. These views were held by many of those present.

It is believed that the matters considered and recommended in this Report anticipated the suggestions made at the Conference, and the legislation and administrative action proposed by this Committee will cover the Emergency Planning proposals.

11. Considerations and Recommendations

The Committee reviewed the matters brought to its attention and considered topics for legislation that is either necessary or desirable, as follows:

A. Continuity of Government

(1) Amendment to Constitution:

The Committee discussed suggestions for constitutional amendments to provide continuity of civil government during an emergency, reviewed applicable provisions of the Constitution, and determined that it was not necessary to propose any constitutional amendment.

The Constitution provides for filling vacancies in the Office of Governor (Article II, Sections 6 and 7), Senator and Delegate (Article III, Section 13), Judge (Article IV, Section 5), Attorney General (Article V, Section 5), Comptroller and Treasurer (Article VI, Section 1), State's Attorney (Article V, Section 11), Sheriff (Article IV, Section 44), and other officers (Article IV, Sections 10 and 11).

Provision is also made in the Constitution for sessions of the Legislature at some other place than the seat of government, when it is unsafe there (Article II, Section 16).

(2) Statutory provisions:

The Committee determined that existing Code provisions should be amended in some particulars to assure continuity of local civil government in political subdivisions.

(a) Section 16 of Article 25 of the Code provides for filling vacancies in the office of county commissioners. This Code

provision contains a limitation with respect to recommendations by the political state central committee. To cover a situation where such a committee may not exist under emergency conditions, the Committee recommends amendment of this section to permit the Governor to fill a vacancy in the office of county commissioners. Legislation for enactment on this subject was introduced in 1962 as Senate Bill 125.

(b) The Committee recommends that the Governor be given authority to exercise emergency powers of administration in any county, during existence of a civil defense emergency, if a majority of the county commissioners are unavailable to exercise their official duties. The purpose of this legislative proposal is to retain civil government rather than military. Legislation for enactment on this subject was introduced in 1962 as Senate Bill 117.

(c) For similar reasons and under like conditions, as stated in the preceding paragraph, the Committee recommends enactment of legislation to authorize the Governor to exercise emergency powers of administration in special tax areas, if a majority of the officials of such areas are not available. This legislation was proposed in 1962 in Senate Bill 119.

(d) To provide funds for emergency purposes in political sub-divisions and validate any bonds or certificates of indebtedness therefor, the Committee recommends enactment of legislation on specified conditions. This subject was covered in Senate Bill 120 at the 1962 session.

(e) Baltimore City has already enacted necessary measures for its continuity of government. It is suggested that officials of counties having a charter form of government review their charter provisions and assure adequate continuity of government, if not already provided.

(f) To provide for continuance of civil government in municipalities, if the proper municipal officials may be unavailable during an emergency, the Committee recommends that the governing body of the county, within which the municipality is located, have the power to fill municipal vacancies and, pending the appointment and qualification of the person to fill such vacancy, the Governor be empowered to exercise executive and administrative municipal powers. The Committee does not mean to imply that the powers of municipal officials be abrogated, but, in an abundance of caution, proposes this legislation to cover a situation when disaster may have eliminated the means provided by a municipality to meet anticipated situations. Legislation proposed on this subject was introduced as Senate Bill 118 at the 1962 session.

B. Civil Defense Laws

(1) The present Code provisions on civil defense are codified in Article 41, under the general title "Governor—Executive and Administrative Departments." The Committee believes that Civil Defense provisions should be recodified as a new Article 16A, with the title "Civil Defense," for appropriate reference purposes. This

would not be a substantive change but in the nature of "house-keeping." This subject matter was in Senate Bill 115 of 1962.

(2) To extend the provisions of the former "Soldiers and Sailors Relief Act," respecting financial obligations, to situations arising by reason of a civil defense emergency, the Committee recommends legislation on this subject under the new Code Article 16A, title "Civil Defense." This subject was covered in Senate Bill 116 of 1962.

(3) The attention of the Committee was called to the fact that some provisions of local laws pertaining to civil defense become effective only upon a *state of war*. The Committee is unable, within the time available to it, to review all local laws on this subject but suggests that members of the General Assembly review their local code provisions and ascertain any changes that may be necessary. To make civil defense provisions of laws applicable upon the occasion of a civil defense emergency, when proclaimed as such by the Governor, the Committee proposed legislation on this subject in Senate Bill 121 of 1962.

(4) The Committee recommends that the Code provision concerning the liability of persons permitting use of their premises for shelters be recodified under new Article 16A, title "Civil Defense," and be enlarged to cover similar provisions respecting the stockpiling of food and supplies for civil defense purposes. This subject was included in Senate Bill 123 of 1962.

C. Civil Defense Agency Organization

(1) The State Civil Defense Agency requested changes in the organic provisions of the Agency law. The Committee was advised that, in order to qualify for Federal funds for personnel and administrative expenses, (a) the Agency must be brought, by legislation, under the State Merit System; and, (b) must include on a permissive basis those counties that do not have their own merit systems. It was stated that present arrangements are on a temporary basis only, with an understanding that legislation be enacted promptly. The Committee recommends this legislation and that local organizations have such staff personnel as may be required for effective civil defense preparation and performance. This subject was included in Senate Bill 124 of 1962.

(2) The Agency also advised the Committee that, in order to comply with merit system requirements, only one person, the Director, may be appointed and all other employees must qualify under the Merit System and recommended deletion of an appointed "Alternate Director" from existing law. The Committee recommends this proposal, and the subject was included in Senate Bill 124 of 1962.

D. Fiscal Arrangements

(1) State Funds. Appropriations for the State Civil Defense Agency are determined by the Governor in the Budget requests. The Committee is cognizant of the interest of the Governor in the civil defense program and believes the Planning Director, Budget Director, and Civil Defense Director have been working in close

harmony to present a realistic budget request to the Governor to cover anticipated needs.

(2) Local Funds. The City and county governments provide funds for local civil defense organizations. The Committee believes that local governing officials have become concerned with present conditions and that increasing appropriations for local organizations are, or will be, in the next local budgets. The Committee recommends that local civil defense directors review their needs for funds and collaborate with local budgetary officers to acquire adequate funds for effective planning and performance.

(3) Local Emergency Funds. As noted above (A(2) (d)), legislation for local emergency funds was proposed in Senate Bill 120 of 1962.

(4) Matching Funds. The Committee believes that the State should give financial assistance to the local subdivisions for civil defense purposes and recommends the following ratio: 50% Federal funds, 25% State funds, and 25% local funds.

(5) Shelter Construction Funds.

(a) The State Civil Defense Director advised the Committee of a new incentive program announced by the President for providing shelters in schools, hospitals, and public welfare buildings of a non-profit type; and the President proposed in his Budget request the appropriation of \$460,000,000 for this purpose, with a recommendation that the Federal Government contribute approximately \$25 of the estimated cost of \$40 per shelter space. The Civil Defense Director advised that, based on previous contributions, Maryland could expect to have made available to the State and political subdivisions about 2% of the total appropriated funds. To take advantage of this program, the Director estimated Maryland would have to provide approximately \$6,000,000 for this program. The Director recommended legislation to cover this contingency. The Committee believes that "stand-by" legislation on this subject is desirable, and the subject was included in Senate Bill 122 of 1962.

(b) It does not appear at this time that the Federal Government will provide funds for community shelters, except under the program mentioned in the preceding paragraph. The Committee does not believe that the State can advance funds for the construction of community shelters, except as mentioned in the preceding paragraph. The Committee believes that Maryland should receive a greater share from the program mentioned in the preceding paragraph, because its proximity to the City of Washington places it in a prime target area. The Committee recommends that the Maryland Congressional Delegation be urged to use its best efforts to secure a greater portion of such funds for Maryland. This subject was covered by Senate Joint Resolution 16 of 1962.

(c) The problems associated with the cost of construction of private fallout shelters are many. It is not possible to calculate the total cost of construction of such shelters. There are all types of shelters available for construction, and no firm standard has been agreed upon. Some shelters are elaborately equipped, some fit

basic essentials, and some appear to be inadequate. Until there is a determination of a standard, it is not possible to calculate the average cost or to determine the gross cost if the State were to assist in financing such cost—either by full contribution or on a matching basis. The Committee defers recommendation on this subject until there is a clarification of the amount of money involved.

(d) The Committee was requested to consider legislation to provide insurance for construction loans for shelters. For the reasons outlined in the paragraph preceding, the Committee does not recommend such legislation at this time.

E. Volunteers and Coordinating Agencies

(1) It is believed that the Civil Defense Director and his staff are reviewing their personnel needs and, with the legislation to be provided as recommended in this report, can develop an efficient organization on State and local levels. It is obvious that in some instances the condition of readiness can be improved. Details respecting recruitment, training, and authority can be handled by administrative action without legislation.

(2) The Committee believes that legislation is not necessary to grant police authority to civil defense personnel.

(3) The Committee was requested to consider legislation for immunity from liability for personal acts, but it does not recommend such proposal.

(4) The Committee was also requested to consider legislation to provide compensation to civil defense volunteer personnel for personal injuries. The problems are many on this subject, and the Committee does not recommend such legislation at this time.

(5) Distribution of surplus property was discussed and it was determined that this problem can be handled administratively by the agencies concerned. It is suggested that the heads of the Civil Defense Agency, the Department of Education, the Department of Health, and the Department of Welfare work out problems relating to correlation of needs and allocation of surplus property.

(6) The Committee recommends administrative action by State and local civil defense officials and coordinating agencies for an effective condition of readiness (See Readiness 9, above). The Committee also recommends that local civil defense agencies utilize the facilities of regular agencies and local representatives of the State government. The Committee believes that local administration would operate more smoothly if local representatives of the State government were designated by local governments to carry out their assigned duties state-wide and federally. The Committee recommends that the State Civil Defense Director report to the Governor any failure or lack of cooperation by local civil defense officials or coordinating State agencies to comply with designated responsibilities, to the end that the Executive can maintain control of state-wide preparation for a civil defense emergency.

(7) The "Civil Defense Manual for Schools of Maryland," given to the Committee, was published in January, 1953. The Com-

mittee strongly recommends that the plans for public school participation in civil defense preparation be updated in line with other civil defense planning and that necessary drills and teacher-student instructions be implemented for the protection and movement of children and dissemination of information to parents.

(8) The Committee recommends that evacuation plans be updated and reviewed regularly to be kept current. The Committee believes that the State Civil Defense Agency is responsible to provide each local area with an up-to-date evacuation plan and to follow through on local conditions of readiness. Such plans should provide complete instructions for (1) evacuation from schools, work, or home; (2) evacuation from urban to other areas; (3) coordination of all civil defense agency units; and (4) stockpiling and assembly of supplies and facilities (See Highlights, 8(h), above).

F. Fallout Protection

The Committee was requested to initiate legislation on a variety of subjects relating to fallout shelters and protection.

(1) The greatest problem retarding civil defense preparation is public apathy—a “what’s the use attitude”—which can be overcome only by responsible leadership. However, the installation of private and community fallout shelters is of the greatest concern to the public (See Highlights, 8(g), above).

(2) The problem of providing shelters is under study by the Federal Government, and survey teams are examining adaptable existing facilities throughout the nation. The funds requested in the President’s Budget to match state funds for shelters (as noted above, Fiscal Arrangements D(5), above) will cover only part of the need. The Committee believes that every effort should be made to expedite and develop a program for the use of fallout shelters in existing public buildings and those under construction. Senate Joint Resolution 15 of 1962 was introduced to bring this subject to the attention of appropriate officials.

(3) The Committee does not recommend any additional legislation respecting assessment and taxation, or special tax deductions, for fallout shelters, as this subject seems adequately provided for in a law enacted in 1961.

(4) Pamphlet publications (H-6 of December 1961 and H-7 of January 1962, among others) have been issued by the Department of Defense covering fallout protection and family shelter designs. There is no firm determination as to any one standard for construction. The Committee believes that legislation should not be enacted concerning specific construction standards or inspection procedures until there is further information or a specific proposal from Federal authority. It would seem that State and local civil defense officials can make satisfactory arrangements with local licensing and inspection officers for appropriate zoning, construction, inspection, and maintenance requirements.

(5) It was suggested that the Committee recommend appropriate legislation to provide penalties, civil and criminal, against the sellers and builders of inadequate shelters and for fraudulent

actions of unscrupulous builders. The Committee gave this problem much deliberation and considered the many factors involved. In September, 1961, and immediately thereafter, there was a great rush to find information about private shelters; there was little uniformity of design, construction standards, or cost basis; lending institutions were disinclined to give financial assistance; instances were reported of inadequate construction of shelters or of unscrupulous builders failing to meet their obligations to perform; the private homeowner was arranging to pay for shelter construction on a time-basis, supported by a promissory note, which was discounted with a financial institution, and the homeowner obligor was required to meet the payments to the financial institution, as the holder of a negotiable instrument, without offset for inadequate or unperformed work. The Committee believes that the problem might quickly be solved by providing that time payment obligations for fallout shelter construction be excluded from the legal protection of a negotiable instrument. Although this proposal would restrict discounts of this time-paper, a responsible builder could obtain operating capital on his own credit reputation, and the home owner would be assured of completion of an adequate shelter and contract performance. The subject was covered by Senate Bill 146 of 1962.

12. Conclusion

The Committee recommended enactment of legislation at the 1962 Session of the General Assembly of Maryland in line with the foregoing considerations and recommendations.

The Committee recommends administrative consideration and action by the Executive Department and State agencies in line with the considerations and recommendations noted above. The Committee believes that the keen interest of the Governor in the program will assure effective action on the recommendations for administrative action noted above.

The Committee believes the recommended legislation should be enacted to meet the current situation.

Respectfully submitted,

H. Winship Wheatley, Jr., Chairman
For the Committee

